

obey the law. And we're also talking about freedom. We're talking about the freedom of individuals to pursue their private lives free of the worry that they're being listened to for no good reason.

You know, it's interesting to listen to my colleagues from across the aisle. And I don't want to impugn their motives at all. I believe that they, just as we on the majority side of the aisle, firmly believe in patriotism. We firmly believe in securing this country. We believe this is one of our sworn duties.

There is no question that all of us take an oath to secure this country and to protect it, and one of our primary responsibilities is to defend the people of this great country. But the first thing that we swear to when we take the oath of office is to protect the Constitution of the United States. That is our solemn oath. And the Constitution was written primarily to protect the rights of the American citizens. And that's really what this controversy is all about. All of us, every one of us, Democrat and Republican, is primarily concerned about making sure that our citizens are safe. And we want to do everything in our power to make sure that we use every tool that we have at our disposal to make sure that our citizens are safe. But we also want to make sure that every tool in our power is not used to violate the Bill of Rights, the amendments which guarantee fundamental freedoms to our citizens. And that's really what we're talking about when we talk about the FISA reauthorization.

You know, it's interesting; we passed, last fall, a reauthorization of the FISA Act, the Protect America Act, and we passed it willingly. We thought it was a good bill. And here comes the President saying, I'm not going to allow this bill to go forward. I'm not going to allow these important protections for the American citizens to go forward unless we give immunity to the phone companies because the phone companies did what we ordered them to do, essentially, starting with 9/11. We asked them to help us provide surveillance of American citizens even though we knew it was against the law, even though they knew it was against the law. We asked them to do that, and, therefore, they shouldn't be held accountable for that.

Well, that's an interesting attitude. And I know that my colleagues across the aisle said all they're trying to do is to protect the trial lawyers, all they're trying to do is protect the trial lawyers. Well, I have another question because there is another side to that point. And I'll address the trial lawyer controversy, or issue, but the other side of that is, why are they trying to protect the phone companies? Why are they trying to protect American corporations that knowingly violated the law of the United States?

Now I don't think that it's really because they care whether the phone companies have to pay millions of dol-

lars in damages. I don't think it's really because they care whether trial lawyers might make a contingent fee. I think the only reason that they are concerned about granting immunity to the phone companies for ostensibly violating the law of the United States is because they don't want the American people to know what the phone companies were doing and what the administration has ordered them to do because in a legal procedure, a lot of that information may come out.

Now they will say, on the other hand, if they get to that, well, this is a matter of national security. And all the legal experts say no, the courts have a way of making sure that no classified information is divulged to the public. But what the administration is really afraid of is not that AT&T might have to pay \$100 million. They're concerned about AT&T having to go under oath and say here's what we did, and that somebody will understand that this administration asked them to violate the law, and they knowingly did that. That's what the immunity issue is all about.

Now in terms of the trial lawyers. I know, and I know our leadership has told us, the trial lawyers have never said a word about this issue. This isn't a big deal. You're not talking about a vast number of lawyers who are going to benefit from this. There are only a few companies that did it. As a matter of fact, there are a couple of companies that were reputable enough and honest enough to say no to the government, we're not going to do that, we're not going to violate the law.

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So they didn't need immunity because they didn't do anything wrong, and I don't know how many lawyers could actually, and I don't want to use the metaphor I was thinking of, but try to exploit that situation for their benefit, but there are not that many involved. And trial lawyers really have not lobbied this issue at all.

What we are talking about, plain and simple, is the issue of who violated the law. Is there accountability? Is there justice in this country? And this administration, in spite of their protestations of saying Osama bin Laden is out there, he's making phone calls, they're all making phone calls, that that's what we want to protect ourselves from, that has nothing to do with the immunity issue. The immunity issue is history. That's the past. We're concerned about what we do going forward. We're concerned about protecting the American people. We enacted legislation last fall that would do that. The President won't sign it.

So we have a very, very different perspective on this issue. And it's funny because they throw up their hands on the other side and say, I just can't imagine why the leadership of the Democrats is not allowing this to come to a vote, why they won't pass this bill. We need to do it. It's a perfect bill. We need to do it.

Well, I have three answers for them. I think I have already mentioned a couple of them. One is the Constitution. That's the solemn oath that we take when we enter this office. And we are not willing to pass a bill that basically eliminates part of the Constitution.

Secondly is the rule of law. I think we all agree that the rule of law is sacrosanct, that this country would fall if it weren't for the rule of law. And we are trying to make sure here that the rule of law is observed and respected.

And, finally, we're talking about individual liberty, the freedom I talked about at the outset of the remarks, that we need to make sure that if we allow individual liberties to be abridged in this country that it is done pursuant to legal authority, that it is done pursuant to warrants, that it is done pursuant to the government's going to a court and providing reasonable cause to assume that there is some reason to surveil an individual American citizen. That's what this dispute is all about. That's what this issue is on both sides.

And it's interesting. As I listened to the President not too long ago when he was once again trying to use scare tactics to intimidate this body into doing what he wants to do, to protecting him and to essentially helping him engage in a coverup of the activities of the administration and the phone companies, he made the statement that right now terrorists are plotting activities against the United States that would make 9/11 pale in comparison. That's what he said.

And when I heard him say that, my thought was, well, wait a minute. If he actually knows that, that they are plotting something that's worse than 9/11, then I guess he's getting all the information he needs. Somehow, some way he's hearing information. If he can make a claim with that specificity that it's going to be worse than 9/11 and they are planning it now, then maybe he's listening to something. Maybe the intelligence authority that he was using works and he doesn't need this additional authority.

But I don't think that's the case, of course. I think basically what he was trying to say is do this or you die because that's been the strategy of this administration in many cases. Do what we want or you will be in trouble. You will be harmed. Your family will be harmed.

I don't think the American people are buying it anymore. I think they've cried wolf far too often. But that's what we have been dealing with in trying to have a very reasonable approach to providing the type of authority that we agree is necessary to allow us to wage this struggle against terrorist activity. So that's sort of, in an introductory way, what we are dealing with.

And it gives me great pleasure now to welcome another Member of the class of 2006, my good friend, the gentleman from Wisconsin, Dr. KAGEN.